Suspension and Exclusion Policy

The Diamond Learning Partnership Trust

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Statement of Intent

The Diamond Learning Partnership Trust (DLPT) is committed to promoting good behaviour and a safe, orderly learning environment in all its schools. The use of suspensions and exclusions is a last resort for addressing serious or persistent misbehaviour. We will apply all suspensions and permanent exclusions fairly, lawfully and only when required to protect the education and welfare of pupils and staff, in line with the latest Department for Education (DfE) statutory guidance (2024) on suspensions and permanent exclusions.

This policy also reflects wider DfE guidance (including *Behaviour in Schools 2022*, the *SEND Code of Practice 2015*, guidance on *Mental Health and Behaviour in Schools 2018*, and statutory duties under *the Equality Act 2010* and *Keeping Children Safe in Education*). All Trust schools will also have strong whole-school behaviour policies and early intervention strategies in place, so that suspension and exclusion are used sparingly and only when other measures have been unsuccessful or the safety/education of others is at risk.

Definitions:

In this policy, "suspension" means a temporary, fixed-period exclusion from school. "Permanent exclusion" (referred to simply as "exclusion" where the context is clear) means the pupil is permanently removed from the school roll. "Parent" includes all persons with parental responsibility or caring for the pupil. References to the "governing board" mean the board of trustees or a delegated committee thereof (or local governing body) responsible for the academy, in line with the Trust's scheme of delegation. References to the "headteacher" include the principal, executive headteacher or head of school of the academy.

Legal Framework

This policy is based on the following legislation and guidance:

- Education Acts 1996, 2002 and Education and Inspections Act 2006 – set out schools' powers to discipline pupils and the basic requirements for lawful exclusions.
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (as amended in 2023) – govern the exclusion process and timeframes.
- Equality Act 2010 – requires that exclusions are not discriminatory (for example, on grounds of disability, SEND, race, etc.), and reasonable adjustments are made for pupils with disabilities.
- DfE Statutory Guidance (2024) "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" – which must be followed by headteachers, governing boards, and academy trusts.
- DfE Guidance "Behaviour in Schools" (July 2022) – non-statutory guidance on creating good behaviour culture and prevention strategies (this policy should be read alongside each school's Behaviour Policy reflecting that guidance).
- DfE "SEND Code of Practice: 0 to 25" (2015) – statutory guidance relevant to discipline of pupils with special educational needs or disabilities.

- DfE Guidance "Mental health and behaviour in schools" (2018) – advice on addressing underlying mental health needs that may manifest as behavioural issues.
- Children and Families Act 2014 – particularly section 100 (duty to arrange education for excluded pupils) and duties towards pupils with Education, Health and Care (EHC) plans.
- Relevant safeguarding guidance (e.g. *Keeping Children Safe in Education*) – ensuring exclusions consider the welfare of all pupils.

Roles and Responsibilities

- Headteachers: Only the headteacher (or acting headteacher) of a school may suspend or permanently exclude a pupil. Headteachers are responsible for:
    - Decision-making: Deciding on suspensions or exclusions in line with this policy and statutory guidance, ensuring decisions are lawful, reasonable, fair, and proportionate. Before deciding, the headteacher will investigate the incident, consider the evidence (on the balance of probabilities standard), allow the pupil to give their version of events, and consider any mitigating factors or SEN/disability needs.
    - Considerations: Taking into account contributing factors (such as mental health issues, bereavement, bullying, unidentified SEND) and whether appropriate support or adjustments have been provided. The headteacher will ensure that exclusion is not used for non-disciplinary reasons (such as academic performance or minor infringements) and will avoid, wherever possible, excluding pupils who are especially vulnerable, such as Looked-After Children or those with EHC plans, unless absolutely necessary. The headteacher must also have regard to the Equality Act 2010 (avoiding any discrimination in the decision) and the school's duties under the SEND Code of Practice (including considering whether more support or alternative strategies could address the behaviour).
    - Alternatives: Where appropriate, considering alternatives to exclusion – for example, internal sanctions, restorative practices, or a documented off-site direction to an alternative provision for the purpose of improving behaviour. The headteacher may also consider a managed move to another school as a voluntary arrangement with parents and the receiving school, if it is in the pupil's best interests and as a measure to avoid permanent exclusion. These alternatives will follow DfE guidance and Trust procedures (e.g. parental consent, clear objectives and time limits for off-site placements, and avoiding "off-rolling").
    - Duty of care: Ensuring that any suspension or exclusion is implemented safely – e.g. making sure the pupil is not sent off site without parental notification, and that suitable work or alternative provision is arranged (see below). Headteachers will not unofficially exclude pupils (no sending home informally or "cooling off" periods). Any removal of a pupil from school for disciplinary reasons will be formally recorded as a suspension or exclusion.

  - Notifications: Informing parents (or the pupil, if 18+) and relevant parties immediately of the suspension/exclusion (see Procedures section), and providing the required written notice with reasons and rights. Headteachers will also inform the Trust CEO, the LGB and the Local Authority (LA) as required.

- Trust Board / Local Governing Bodies: The Board of Trustees (or a committee of governors from the Local Governing Body convened for this purpose) is responsible for reviewing certain suspensions and all permanent exclusions. The Board must:
  - Review decisions: Convene exclusion review meetings within statutory timeframes when a pupil is permanently excluded, or when a suspension (or cumulative suspensions) exceeds 15 school days in a term, or when a review is requested by parents for certain cases (see Governing Board Review section for criteria). The Board's panel will impartially consider the evidence, hear the parent and pupil, and decide whether to direct reinstatement of the pupil or uphold the exclusion.
  - Fair procedure: Ensure that exclusion review meetings are conducted fairly and in line with the statutory guidance – allowing all parties to have their say, using the civil standard of proof for evidence, and taking into account the pupil's circumstances (age, SEN, etc.) as well as the welfare of other pupils and staff. (Detailed Terms of Reference for the Board's exclusion panel are provided in *Appendix B*.) The Board will consider any representations from parents for shorter suspensions even if a full meeting is not required, and will respond appropriately.
  - Decision communication: Following a review, inform parents, the headteacher and the LA of the outcome and reasons without delay. If the exclusion is upheld (for a permanent exclusion), advise parents of their right to an Independent Review Panel.
  - Oversight and data: Oversee the broader use of exclusion in the school/Trust by monitoring suspension/exclusion data (e.g. by pupil demographic groups, frequency, reasons) to ensure fairness and to fulfil the Trust's public sector equality duty. The Board will review this policy at least annually and after any significant changes in legislation or guidance.
  - Governance role clarity: In this policy, any duty assigned to the governing board may be fulfilled by a committee of trustees or local governors convened for pupil discipline matters, as per the Trust's scheme of delegation. The Trust's Chief Executive Officer (CEO) will be informed of all permanent exclusions and any serious disciplinary issues and may attend governing board reviews as an observer or advisor. The Trust (as the legal academy trust body) is ultimately accountable for exclusion decisions in its academies; it will ensure that Independent Review Panels are arranged when required and that the process complies with the law.
- Local Authority (LA): The LA must be notified of all exclusions/suspensions. For a permanent exclusion, the LA (of the pupil's residence) is responsible for arranging suitable full-time education from the 6th school day of the exclusion. The LA will be invited to any governing board review in the case of a maintained school (for academies, the LA may

attend as an observer or if providing advice, according to local protocols). The LA also must provide education and, if relevant, convene an Independent Review Panel if delegated by an academy trust or, in maintained schools, if requested by parents. The LA will ensure that the needs of any pupil with an EHC plan are reviewed following permanent exclusion, and will work with parents on securing an appropriate new placement.

- Other Relevant Roles: If the excluded pupil is looked-after (in care) or has a social worker, the school will inform the pupil's social worker and/or the Virtual School Head (VSH) immediately of any exclusion. Those professionals should engage in the process (including attending exclusion meetings) to help review any support in place or needed. The school's Special Educational Needs Coordinator (SENCO) will be involved in the process for any exclusion of a pupil with identified SEND, to ensure the governing board and, if applicable, the IRP have access to information on the pupil's needs and support provided. A parent (or pupil aged 18) may request a *SEND expert* to attend any Independent Review Panel (for permanent exclusions); the Trust will arrange this as required by law.

Grounds for Suspension or Exclusion

A pupil should only be suspended or excluded on disciplinary grounds and when allowing the pupil to remain in school would seriously harm the education or welfare of others in the school.

Examples of behaviour that may lead to a suspension or permanent exclusion (depending on severity and context) include:

- Serious or persistent disruptive behaviour that negatively affects the learning or safety of others (e.g. persistent defiance of staff, constant disruption of lessons despite interventions).
- Physical assault against another pupil or against a member of staff.
- Threatening behaviour or verbal abuse directed at pupils or staff (including serious bullying or harassment).
- Severe or persistent bullying, including prejudice-based bullying (racist, homophobic, transphobic, etc.).
- Damage to property or theft that is serious in nature.
- Possession or use of prohibited items such as weapons, alcohol, drugs, or fireworks on school premises.
- Sexual misconduct or harassment.
- Actions that pose a safeguarding risk, such as bringing dangerous items to school or serious online misconduct impacting the school community.

This list is not exhaustive.

The headteacher will judge each case on its facts, taking account of the school's Behaviour Policy and any relevant guidance. A single serious incident (for example, a violent assault or bringing a weapon to school) can justify a permanent exclusion. Likewise, persistent poor behaviour over time can accumulate to justify exclusion, especially if it persistently disrupts others' education or

puts others at risk, despite the school's efforts to help the pupil improve (in line with DfE's *Behaviour in Schools* guidance). Before reaching the decision to permanently exclude for a pattern of behaviour, the school will have implemented and documented a range of behaviour interventions and support strategies.

The Headteacher's Decision and Duties Before an Exclusion

- Investigation and evidence: The headteacher will ensure that a thorough investigation of the incident(s) is carried out. This may include taking written statements from pupils and staff, reviewing any available evidence (e.g., CCTV, social media posts), and considering any context. The pupil concerned will have the opportunity to state their case and to ask any questions about the evidence. The headteacher will establish the facts "on the balance of probabilities" (whether it is more likely than not that the allegation is true) before deciding on a suspension or exclusion.
- Behaviour of pupils with SEND or other vulnerabilities: If the pupil has known special educational needs or disabilities, the headteacher will consider whether the pupil's actions were a manifestation of those needs or whether additional support should have been provided. The head will consult with the SENCO and other professionals as appropriate. Exclusion will not be used as a consequence for behaviour arising from a pupil's disability or SEND without careful consideration of whether reasonable adjustments or interventions could have prevented it. In line with the SEND Code of Practice, the school will consider whether additional assessments or alternative strategies (e.g., an early annual review of an EHC plan, input from an educational psychologist, or other agency support) are needed if a pupil with SEND is at risk of exclusion. Similarly, for Looked-After Children, the headteacher will, other than in the most critical circumstances, contact the VSH and discuss possible alternatives to exclusion, as care-experienced children are especially vulnerable to exclusion.
- Consideration of context and contributing factors: The headteacher will reflect on whether the pupil's behaviour might have been influenced by external factors such as bereavement, mental health issues, bullying or peer pressure, or significant changes in home circumstances. If such factors are identified, the headteacher may decide to seek pastoral support or involve external agencies (like counselling or a referral to children's services) as part of the response. This consideration does not excuse misbehaviour, but it may influence the sanction or support provided alongside a sanction.
- Graduated response and early intervention: Before resorting to exclusion (especially permanent exclusion for persistent behaviour), the headteacher will ensure the school has made reasonable attempts to address the pupil's behaviour through other means. This could include measures like a personalised behaviour plan or pastoral support plan, mentoring, engaging with parents/carers for support strategies at home, and any referrals to specialist support (e.g., mental health services, behaviour specialists). The headteacher will keep records of the strategies attempted and the pupil's response to them. If, despite

these interventions, the pupil's behaviour continues to endanger or significantly disrupt others, exclusion may be deemed necessary.

- No exclusion for non-disciplinary reasons: The headteacher will never exclude a pupil for reasons such as poor academic performance, additional needs or disabilities that the school feels unable to meet, or the actions of a pupil's parents. Exclusion will not be used simply because a pupil has SEND or is regarded as "difficult to teach". Furthermore, the headteacher will not pressure parents to remove their child from the school (for example, by suggesting they transfer or home-educate) under threat of exclusion; such practices ("off-rolling") are not permitted. Any transfer to another school (managed move) must be with the genuine agreement of all parties and in the pupil's best interests.
- Preventative alternative measures: Where appropriate, the headteacher may initiate an off-site direction or managed move in accordance with law and guidance:
    - *Off-site direction:* A temporary placement for the pupil at an alternative provision or another mainstream school can be arranged to improve behaviour. Parents will be notified in writing with details and duration of the placement, and the placement will be reviewed regularly (usually every few weeks) with the aim of reintegrating the pupil if improvement is made. Off-site direction is intended as a short-term intervention (not normally exceeding a term without review) and will be used in line with any local protocols.
    - *Managed move:* In some cases, the headteacher may suggest a managed move to another school as a fresh start for the pupil. A managed move will only be pursued with the informed consent of the parent (and the pupil's consent, where appropriate) and agreement of the receiving school and the LA. It will be done following proper meetings and a transition plan, and never as a hastily arranged alternative on the day of a serious incident. If a managed move is underway or trialled, the excluding school will normally suspend the exclusion process pending the outcome. If the managed move is unsuccessful and the pupil returns, the headteacher may then decide to proceed with the exclusion if appropriate.
- Final decision: Once all factors are considered, the headteacher will make a decision. For a suspension, the headteacher will specify the number of days and the date of return. For a permanent exclusion, the headteacher will prepare a clear report for the governing board outlining the reasons. The decision will be communicated as described below. If new evidence emerges or circumstances change, the headteacher has the right to cancel an exclusion before the LGB review (in which case the pupil is readmitted and all records adjusted accordingly, and relevant parties informed of the cancellation)

Procedures Following a Suspension or Exclusion

- Immediate actions and informing parents: When a decision to suspend or exclude has been made, the headteacher (or designated senior leader) will inform the pupil's parent without delay, ideally by telephone or in a face-to-face meeting. The parent will be notified of the reason for the exclusion and whether it is a suspension (fixed period, stating the length) or

a permanent exclusion. This initial notification will be followed by a formal written notice to the parent (usually sent home with the pupil and/or via email or post the same day). The written notice (see model in Appendix A) will include:

- The reason(s) for the suspension or exclusion, detailing the incident or the nature of the pupil's behaviour.
- The length of a suspension (or, for a permanent exclusion, stating that it is permanent). For suspensions, the precise start and end dates will be given.
- Information about the parent's rights to make representations to the governing board. Depending on the case (see next section for triggers), the letter will either inform that the governing board will automatically review the exclusion or inform the parent of how they may request a review meeting if they wish. It will explain that at any governing board meeting they may attend, be accompanied by a friend or representative, or submit a written statement.
- A statement that for any governing board meeting, the parent (or the pupil if 18 or older) has the right to request the meeting be held via remote access (video or telephone conference) and the process for making such a request.
- The legal duty of parents during the first five school days of any exclusion to ensure their child is not present in a public place during school hours without reasonable justification. The letter will specify the dates of this duty and warn that parents may be prosecuted or fined by the local authority if this duty is breached.
- Details of any educational provision arranged during the exclusion: for suspensions of 5 or fewer days, that the school will set and mark work for the pupil (with instructions on how to access or collect it); for longer suspensions, what alternative provision will be provided from day 6 (if known, including the name of the provider, location, and start time; if not yet known, a promise that the details will follow). For a permanent exclusion, the letter will note that the LA will contact the parent about alternative education from day 6.
- Contact details for someone at the school or Trust whom the parent can approach with any questions (e.g., the headteacher or a pastoral leader). Also, sources of free advice should be highlighted – for example, pointing to the DfE's statutory guidance online, the local authority's advice booklet (if available), or charities like Coram Children's Legal Centre or ACE that can advise on the process. If the child has SEND, the letter may also advise parents of the local SENDIAS service.
- If the exclusion is permanent or is one that triggers a governing board meeting, the letter will inform parents that the LA (and, if applicable, the pupil's social worker and VSH) have been notified of the exclusion.

- Informing the Trust and Local Authority: The headteacher will notify the Trust CEO of: (a) any permanent exclusion (including where a suspension is followed by a decision to permanently exclude); (b) any suspension or series of suspensions that result in the pupil being suspended for more than 5 school days in one term; and (c) any suspension or exclusion that means the pupil will miss a public examination or national curriculum test.

This notification will be made as soon as possible, and at the latest within a few days, and should include the reasons and duration (if applicable). For all other suspensions (i.e. up to 5 cumulative days in a term), the headteacher will report them to the governing board in a termly report. The headteacher must also inform the local authority of every suspension and exclusion without delay, usually via the agreed reporting mechanism (which for academies may be to the pupil's home authority). If the pupil resides in a different local authority than the school's, both LAs will be informed in the case of a permanent exclusion. Additionally, if the pupil has a social worker or is looked-after, the headteacher will ensure the social worker and/or VSH is informed (by phone or email) on the day of the exclusion decision.

- Educational provision during suspensions/exclusion: The school has a duty to ensure a pupil's education continues during a suspension or exclusion:
    - For the first five school days of any suspension or permanent exclusion, the school will take reasonable steps to set and provide work for the pupil to complete at home. This may be via the school's online learning platform or sending worksheets home. Parents are expected to ensure that work is completed and returned to school for marking.
    - From the 6th school day onward of a continuous period of suspension, the Trust will arrange suitable full-time education for the pupil. This may involve a temporary placement at an alternative provision school or pupil referral unit, or arranged tutoring. The parent will be given information about this provision (start date, address, contact person). If the exclusion is permanent, the pupil's home local authority is legally responsible for arranging full-time education from the 6th school day – the school will work with the LA to facilitate a smooth transition (sharing information about the pupil's needs, attainment, etc.).
    - If a suspension is very short (1 to 3 days), work will still be provided, but there is no requirement for alternative off-site education. If a suspension is longer, the school will try to begin alternative provision earlier than day 6 if possible, especially for vulnerable pupils.
    - When a pupil returns from suspension, the school will arrange a reintegration meeting with the parent and pupil. The aim is to discuss the behaviour that led to the suspension, reaffirm expectations for the future, and agree on any support or reasonable adjustments needed to help the pupil re-engage successfully. A pastoral support plan may be drawn up for the pupil if not already in place, especially if they are at risk of further exclusions.
- **Removal from school roll:** A pupil who has been permanently excluded will remain on the school's admissions register until the exclusion process is fully concluded. The school will not remove the pupil's name from roll unless: (a) the governing board has upheld the permanent exclusion and the deadline for an independent review has passed without a review being requested (or the parents have informed that they will not seek a review); or (b) if a review was requested, after the independent review panel process is completed

and the exclusion is confirmed. Removal from roll will be done in accordance with the Education (Pupil Registration) Regulations, and the school will immediately inform the local authority on removal. If the governing board or an independent review panel directs reinstatement of a permanently excluded pupil, the pupil will be put back on roll and efforts will be made to support their return.

Local Governing Board Review of Suspensions and Exclusions

The Board (who may choose to delegate these responsibilities to LGB members) has a duty to consider parents' representations about an exclusion and, in specified cases, must review the headteacher's decision and decide whether to reinstate the pupil. The level of board involvement depends on the length and type of exclusion, as well as the pupil's total days of suspension in the term:

- Permanent Exclusion: The board must convene a meeting to consider a permanent exclusion. This meeting must take place within 15 school days of receiving notice of the exclusion. The board will invite the parent, the headteacher, a representative of the pupil's home local authority (for academies, the LA is invited as an observer), and (if applicable) the pupil's social worker and/or VSH to attend. The board must consider reinstating the pupil and can decide to either uphold the exclusion or direct reinstatement.
- Suspensions exceeding 15 cumulative school days in a term: If a pupil's suspensions add up to more than 15 school days in the current term (including the latest suspension), the board must convene a meeting within 15 school days of being notified of the suspension that brought the total over 15. For example, if a pupil has had several suspensions and the newest one causes the total days to reach 16 in that term, the board is required to review the case. The parent (and others listed above) will be invited. The board will consider the suspension(s) and decide whether to reinstate the pupil (note: by the time of the meeting, the suspension may have been served, but the board can still decide to nullify the record of it if it finds it was unjustified). Trust practice: In our Trust, if a pupil's suspensions reach 15 days in a term, this will trigger a board review meeting (even if 15 exactly is not "more than 15"). This ensures enhanced oversight as the pupil approaches the legal threshold. In other words, 15 or more total days out of school in a term will prompt a formal governor review.
- Suspensions of 6–15 cumulative days in a term: For a suspension, or cumulative suspensions, totalling more than 5 but 15 or fewer school days in the term, the governing board is not automatically required to meet. However, if the parent requests a review or the CEO and Headteacher request a review, the board must convene a meeting to consider reinstatement within 50 school days of receiving the request. (The parent will be informed of this right in the exclusion notice.) If no request is made, the board is not obliged to meet, but the board should still consider any written representations from the parent and at least note them in the pupil's record.
- Suspensions totalling 5 or fewer days in a term: The governing board is not required to meet for these short suspensions. If a parent submits representations, the board members will review the case informally (e.g. reading the letter and the headteacher's rationale) –

they may respond in writing but no meeting is needed. The board cannot direct reinstatement for a suspension that has already been served and was 5 or fewer days, but the parent's views will be acknowledged and placed on record.

- Exclusion coinciding with exams: If an exclusion (of any length) would result in the pupil missing a public examination or national curriculum test, the governing board will, if at all possible, convene a meeting before the date of the exam/test. If time or practicalities do not allow a full panel to meet, the chair of the board (or a delegated governor) may consider the case alone and decide whether the pupil can be allowed on site just to sit the exam. The priority is to ensure the pupil's opportunity to take the exam is considered. This does not replace the need for a full meeting later if one would otherwise be required. The board may allow an excluded pupil to attend school only for the duration of the exam under supervision, if it deems it appropriate.

Conduct of Board Review Meetings

When a board meets to consider an exclusion or suspension, it will do so in accordance with the relevant regulations and statutory guidance. The meeting will normally consist of a panel of at least three LGB members. The panel will appoint a chair. The meeting may be held in person or, if requested and appropriate, via remote video/telephone conference (see Appendix A for remote meeting principles). The governing board will ensure that:

- They have received and read all relevant papers in advance, including the headteacher's report on the incident and decision, witness statements or investigation reports (if any), the pupil's disciplinary record and attendance record, and any representations or evidence provided by the parents (or pupil).
- At the meeting, the headteacher will first present the reasons for the exclusion and the evidence that supports it. The governors and the parents may ask the headteacher questions.
- The parents (and pupil, if attending) will be able to present their case, explain any mitigating factors, and say why they believe the exclusion should be reconsidered (or simply share the impact it has on the child). The governors and headteacher can ask them questions as needed. The parents can be accompanied by a friend or representative (who may speak on their behalf with permission).
- If present, the social worker, VSH, or an LA representative may also share their views. (If the pupil has an EHC plan, a representative from the local authority SEND team might attend or submit information on whether the school provided appropriate support.)
- The panel will consider all contributions and can ask further questions to clarify any issues. The meeting will be minuted by a clerk. After discussion, everyone except the governors (and the clerk) will be asked to leave while the governors deliberate in private.

In reviewing the exclusion, the governing board will apply the civil standard of proof to any disputed facts (i.e., is it more likely than not that the alleged conduct occurred). They will consider whether the exclusion was in line with the school's Behaviour Policy, whether it was a proportionate response, and whether all relevant legal duties were met (for instance, whether the

headteacher considered SEND issues or racial equality, etc.). They will also consider the impact on the school community if the pupil were to be reinstated, balancing this against the pupil's own interests.

After due consideration, the governing board panel will come to a decision, which will be either:

- Reinstate the pupil (either immediately or on a specified date) – meaning the exclusion is overturned. If the pupil has already returned to school by the time of the meeting (e.g., for a fixed-term suspension that has lapsed), the board can still decide that the record of the suspension should be removed from the pupil's file if they find it was not justified.
- Uphold the exclusion – meaning they agree with the headteacher's decision. For a suspension, this means the record stands. For a permanent exclusion, the pupil will not return to that school (subject to any independent review).

The decision will be communicated in writing to the parent, the headteacher and the LA without delay (normally within 1 school day of the meeting). The decision letter will state the reasons for the decision in sufficient detail. If the exclusion is permanent and upheld, the letter will also explain: the parents' right to apply for an Independent Review Panel (IRP), the 15-school-day deadline for this, the details of how to apply and to whom (e.g. the Trust's contact or the LA if arranged through LA), the right to request a SEN expert at the IRP (at no cost), and the right to bring legal representation. It will also mention that if parents believe the exclusion was due to discrimination, they can make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND) or County Court within 6 months.

If the board decides to reinstate, the letter will outline any arrangements for the pupil's return (e.g., reintegration meeting date). The board's decision is then implemented.

(*See Appendix B for the Terms of Reference that outline the governing board's exclusion review panel procedures in detail, including quorum, evidence, and record-keeping.*)
Independent Review Panels (IRP)

If a permanent exclusion is upheld by the governing board, the parents (or the excluded pupil, if 18 or over) have the right to request an independent external review of that decision. In an academy, the Trust (often with the support of the Local Authority or a third-party provider) will arrange this Independent Review Panel within statutory time limits. The IRP will consist of 3 (or sometimes 5) panel members: one experienced in education (current/former headteacher), one experienced in governance, and one lay member to act as chair – all of whom will have had no prior connection to the case. A trained clerk will also be appointed. If requested, a SEND expert will attend the IRP to provide impartial advice on matters concerning special educational needs (regardless of whether the pupil has an EHC plan or identified SEN).
The IRP will consider the evidence afresh, including any new evidence parents may present, and will review whether the governing board's decision was lawful, reasonable and procedurally fair, taking into account the school's legal duties.

The IRP can decide to:

- Uphold the exclusion, in which case the permanent exclusion stands;

- Recommend the governing board reconsiders their decision (the board must reconvene, but is not obliged to reinstate, though they must consider the recommendation seriously); or
- Quash the governing board's decision and direct the board to reconsider, if it finds the decision so flawed that justice requires it (for example, if there were serious procedural errors). In this case, the board must meet again within 10 school days to review the exclusion. If the board again decides not to reinstate, the academy trust may be required to pay a financial penalty (for maintained schools, the LA will deduct £4,000 from the school's budget in these circumstances).

The IRP's decision will be communicated in writing to all parties (parents, governing board, headteacher, and the LA). If the IRP upholds the exclusion, the letter will again mention any further recourse (judicial review or discrimination claim) but that the panel's decision is final in terms of the review process.

After an IRP – Governing Board Reconsideration: If the IRP directs or recommends reconsideration, the governing board will reconvene within 10 school days to review the exclusion again, taking into account the panel's feedback. The board will invite the parents and consider any further evidence. After reconsideration, the board will inform the parents, Trust, and LA of their final decision. If they decide to reinstate the pupil, arrangements for return will be made. If they still uphold the exclusion (against an IRP direction, which is rare), the Trust will notify the LA to arrange the statutory payment and the exclusion remains in place (with the parent still having the option of legal challenge).

Training and Monitoring

The Trust will ensure that this policy is well understood by all schools and that relevant staff and governors receive training on exclusions. Headteachers and senior leaders will be trained on applying this policy, investigating incidents, and understanding their equality duties. Governors who may serve on exclusion panels will receive training on their role and the legal framework for exclusions.

Clear records will be kept of all exclusions and the outcomes of any reviews or IRPs. The Trust and its schools will monitor exclusion data termly, looking for patterns (e.g., higher exclusion rates for certain groups) and will act to address any disproportionate impact. We aim to reduce the need for exclusion by promoting a positive school culture and early intervention, and by ensuring any use of exclusion is scrutinised and justified. The Trust will review this policy annually (or sooner, if required by changes in law) and will consult stakeholders as needed. Any updates to DfE guidance will be incorporated to ensure ongoing compliance.

Appendix 1: Standard Suspension Notification Letter (Model Template)

[To be printed on school letterhead]
[School Name]
[School Address]
[Date]

Dear [Parent/Carer Name],

*I am writing to inform you of my decision to **suspend [Pupil Name] for [Number of] school day(s)**. This suspension will begin on [start date] and end on [end date]. [Pupil Name] is expected to return to school on [return date].*
Reason for suspension:
[Clearly state the incident or behaviour that has led to the suspension, including date of incident. For example: "On 5 November, [Pupil Name] struck another pupil during lunchtime, causing injury" or "persistent disruptive behaviour over the last several weeks, which has not improved despite support and warnings."] This behaviour breaches our School Behaviour Policy.

We do not take the decision to suspend a pupil lightly. In this case, the suspension is necessary because [briefly explain why the suspension was deemed necessary, e.g. "the behaviour was serious and was significantly harming the safety/learning of others" or "other interventions to improve [Pupil Name]'s behaviour have not been successful"].

During the suspension:
*[Pupil Name] should not be present in any public place during school hours on the dates of [his/her] suspension, i.e. **[Day/Date] to [Day/Date]**, unless there is a good reason. This is a legal requirement on parents under Section 103 of the Education and Inspections Act 2006. You may receive a penalty notice or be prosecuted if [Pupil Name] is found in a public place without justification during this period. Please ensure [he/she] is supervised appropriately.*

We will set schoolwork for [Pupil Name] to complete during the suspension. [Detail the method: e.g. "Work packs are enclosed" or "Work can be accessed on Google Classroom. If you require printed materials, please contact the school."] Please support [Pupil Name] to complete this work. If [Pupil Name] needs help with the work, you may contact [staff member name or info] at the school for guidance. The completed work should be returned to school on [return date] so that it can be marked.

After the suspension:
*We would like [Pupil Name] to return to school on [return date] at [time]. On that day, we have scheduled a **reintegration meeting** with you and [Pupil Name] at [time] in [location, e.g. headteacher's office] to discuss how we can best support [Pupil Name]'s successful return to school and prevent any repeat of the behaviours that led to this suspension. [Pupil Name] will be able to rejoin [his/her] class after this meeting.*

Your rights and next steps: This suspension is a disciplinary measure formally recorded on [Pupil Name]'s school record. As a parent/carer, you have the right to make representations (share your

*views) about this suspension to the school's governing board. The total number of days that [Pupil Name] has been suspended in the current term is [total days]** (including this suspension).*

[If total days in term **exceeds 15:]* The Board **must** meet to review this suspension. You will be invited to a meeting to discuss the suspension and the board will decide whether [Pupil Name] should be reinstated. This meeting will take place within 15 school days of the board being notified of this suspension. You will be informed of the date, time, and location once it is set. You (and [Pupil Name], if you feel it is appropriate for [him/her] to attend) have the right to attend this meeting and explain your views. You may also bring a friend or representative to support you.*
[If total days in term is **6 to 15 (inclusive):]* The Board is not required to automatically review this suspension. **However, you have the right to request a governing board meeting** to consider reinstating [Pupil Name] because the total suspended days in this term is more than 5.*

If you wish to request a review, please notify [Name of Clerk to the Governors and contact details – email/office address] in writing. If requested, a meeting will be arranged within 50 school days of the school being notified of your request. You and [Pupil Name] (if appropriate) would be invited to attend. If you do not request a meeting, the governors will not meet formally regarding this suspension, but any written statements you provide will be kept on [Pupil Name]'s record.

[If total days in term is **5 or fewer:*] The Board is **not required** to hold a meeting for this suspension, and **cannot direct [Pupil Name]'s reinstatement.. However, if you have any comments or want to draw anything to the governors' attention about this case, you may send a written statement to the Clerk to the Governors at [contact details], and this will be placed on [Pupil Name]'s school record for future reference.*

*If a meeting is arranged, you have the right to ask that this meeting be held via **remote access** (for example, by video call or telephone) if that would enable you or others to participate more easily. The governing board will accommodate a remote meeting if certain legal conditions are met (such as everyone having access to the technology and agreeing to it). Please let us know as soon as possible if you would prefer a remote meeting, so we can make the necessary arrangements.*

***Support and advice:*
*We understand that a suspension can be distressing. It is important you know the next steps and get advice if needed. You may find it helpful to consult the free **guidance for parents on school suspensions and exclusions**, available on the government website (http://www.gov.uk/school-discipline-exclusions/). Additionally, you have access to independent advice:*

***Coram Children's Legal Centre** (http://www.childlawadvice.org.uk, helpline 0300 330 5485) – which offers free legal advice on education matters including exclusions.*

***SENDIASS**: Since [Pupil Name] has an Education, Health and Care Plan *[or "is on the SEND register" if applicable]*, our local SEND Information, Advice and Support Service can provide guidance to you (contact info: [provide local SENDIASS contact]).*

You can also contact [Local Authority Exclusions Officer] at [LA contact details] for advice on the process and what support is available.

***Local Authority Notification:** We have informed [Name] at the [Local Authority] that [Pupil Name] has been suspended. *[If applicable:* We have also notified [Pupil Name]'s social worker / the Virtual School Head of this exclusion.]* The school will continue to work closely with the LA and other professionals to support [Pupil Name] and to minimise any further disruption to [his/her] education.*

Please do not hesitate to contact me if you wish to discuss [Pupil Name]'s behaviour or any aspect of this process. We hope that [Pupil Name] will take this time to reflect on his/her actions. With your support, we will work towards improving [Pupil Name]'s behaviour and ensuring a successful return to school.

Yours sincerely,

[Headteacher's Name]
Headteacher, [School Name]

cc: CEO
*cc: [Local Authority] Exclusions Officer *[and Social Worker/VSH if applicable]**

Appendix 2: Local Governing Board Exclusion Panel – Terms of Reference

Purpose and Scope: The Local Governing Board's Exclusion Panel (the "Panel") is convened to review decisions to suspend or permanently exclude pupils. The Panel's primary role is to examine the headteacher's decision in each case, consider any representations from parents and the pupil, and decide whether the pupil should be reinstated. The Panel operates under the relevant education law and DfE statutory guidance. It deals with both suspensions (when review is required or requested) and permanent exclusions. It does not have the power to extend a suspension or impose new sanctions; it may only uphold the headteacher's decision or direct reinstatement.

Composition and Quorum: The Panel will consist of at least three members of the governing board (trustees or local governors) who have no prior involvement or conflict of interest in the matter. The Trust or Local Governing Body will appoint these members, and one will act as Chair. A quorum is three members (or the minimum number permitted by regulations if different). In exceptional cases, if three governors are not available (e.g., due to conflicts of interest or illness), the Trust may appoint governors from another school or trustees from the Trust to ensure a fair and impartial Panel. The Panel may be supported by a Clerk who will advise on procedure and record the meeting minutes. The Clerk should not be someone who was involved in the incident or decision under review.

Authority: The Panel is authorized by the Board of Trustees to fulfill the statutory duties of a governing board in reviewing exclusions. The Panel will act on behalf of the full governing board in making decisions about exclusions, and its decision is binding on the school. The Panel may seek advice from the Trust's governance professional or legal advisors on points of procedure or law, but the decision must be made by the Panel members alone.
Meeting Logistics:

- The Panel will meet within the timeframe required by law for the type of exclusion (see "Governing Board Review" section of the policy for details: 15 school days for permanent exclusions and some longer suspensions; 50 school days if a parent requests a review for certain suspensions).
- All Panel members and participants will receive at least five school days' notice of the meeting (except in urgent exam-related cases), along with a pack of relevant documents. These documents include: the headteacher's exclusion letter and report, witness statements or investigation reports (if any), the pupil's behaviour and academic record, any written statement from the parents, and any other relevant information (such as an EHC plan or Pastoral Support Plan if applicable).
- Meetings can be held in person or via remote access (video/telephone conference) if the parent requests this and the conditions for a remote meeting are met (e.g., everyone agrees and has access to the technology). Remote meetings will follow the principles outlined in DfE guidance to ensure fairness (see Appendix A, which references remote meeting criteria).

Procedure at the Meeting:

1. Introductions: The Chair will introduce all attendees and explain the agenda. Attendees usually include the Panel members, the Clerk, the headteacher (to present the case for exclusion), the parent(s) (and possibly the pupil), and any others invited such as a social worker, VSH, or LA representative. If the parent has a representative or friend, the Chair will note their role.
2. Headteacher's Case: The headteacher (or their representative) will explain the reasons for the exclusion, referencing evidence. Panel members and parents may ask questions to clarify the facts.
3. Parent's Case: The parent (and/or pupil, or representative) will present their views, which might include mitigation, context, impact of exclusion on the pupil, or why they feel the decision should be reconsidered. The Panel and headteacher may ask questions of the parent for clarification.
4. Additional Information: If a social worker, VSH, or LA officer is present, the Chair may invite them to provide information (for example, confirming if the pupil is known to their services, or whether the school sought appropriate support before excluding). They may also comment on whether the exclusion is in the child's best interests from their professional standpoint.
5. Panel Questions and Discussion: The Panel ensures it has asked all necessary questions of all parties. The Chair will invite final comments. The pupil (especially if of secondary age) might be asked if they want to add anything.
6. Deliberation: The Panel (and Clerk) will then go into closed session. The headteacher, parents, and others will withdraw. The Panel will discuss the evidence in private. The Clerk will record their discussion and advise on any procedural points, but will not steer the decision. The Panel will consider:
    - Were the facts of the incident proven on balance of probabilities?
    - Was the exclusion consistent with the school's Behaviour Policy and proportional to the offence?
    - Did the headteacher consider all relevant factors (mitigating or aggravating circumstances, the pupil's age and SEND status, etc.) and follow the correct procedure?
    - Is exclusion a sanction of last resort in this case (e.g., have other sanctions or support been tried where appropriate)?
    - For a permanent exclusion, is it proportionate and necessary for the safety and learning of others that the pupil not return? For a suspension, was the length appropriate?
    - Are there any indications of discrimination or bias that the Panel should be aware of? (Equality Act considerations.)

      The Panel will reach a decision by majority vote if necessary (though they will aim for consensus). They have the option to adjourn if for some reason crucial information is missing and the Panel feels it cannot decide without it (for example, if awaiting a police report, though such delays should be avoided if possible).

Decision-Making Principles: The Panel must either uphold the exclusion or direct reinstatement (for suspended pupils, reinstatement means clearing the record if the suspension period is already over; for current suspensions or a permanent exclusion, it means the pupil returns to school). The Panel cannot extend or impose a new exclusion, nor can it modify the length of a suspension – it is a yes/no on reinstatement. The decision will be based solely on the evidence presented to the Panel, and members will disregard any extraneous information or matters not relevant to the incident or the pupil's school behaviour.

The Panel must be satisfied that the headteacher's decision was in line with the school's legal duties; if there is doubt, the benefit should generally be given to the pupil (i.e., leaning towards reinstatement if evidence or process is unclear). However, the Panel also has an obligation to consider the impact of reinstatement on the school community. They will weigh these factors carefully. The Panel should also consider whether conditions could be implemented upon reinstatement (e.g., a behaviour plan, external support) that would mitigate risks and allow the pupil to stay in school; if so, and if those conditions seem workable, that may support a decision to reinstate.

Record-Keeping: The Clerk will take minutes of the meeting, capturing who was present, a summary of the discussion, and the key factors considered by the Panel. All evidence (documents) considered by the Panel will be listed or appended to the minutes. The Panel's decision and the reasons will be clearly documented. The school is required to keep these records on the pupil's file for at least 6 months, and to make them available to all parties on request (subject to any GDPR constraints, e.g., redacting other pupils' names if needed). The minutes are not public documents but can be used in subsequent proceedings (such as an Independent Review Panel or legal challenge), so they must be accurate and comprehensive enough to explain the Panel's reasoning.

After the Meeting: The Panel (usually via the Clerk or Chair) will send a decision letter to the parents, the headteacher, and the Local Authority, without delay (normally within one working day of the meeting). In the case of a permanent exclusion that is upheld, the letter will detail the parents' right to an Independent Review Panel and the deadline for application (15 school days). If the Panel directs reinstatement, the headteacher will arrange for the pupil's return to school as soon as possible and a plan to support that return. The outcome (reinstated or not) will be entered on the pupil's educational record along with copies of relevant paperwork. The Panel may also make recommendations to the school's leadership if it identifies any wider issues (for example, if the case highlighted a need for staff training or policy changes, the Panel can note this to the headteacher or Trust, though it's not part of the decision itself).

Confidentiality: All proceedings of the Panel are confidential. Panel members and attendees must not discuss the case outside the meeting, except with those who have a professional need to know. The outcome may need to be reported in general terms to the next full governing board meeting (e.g. "A panel met to consider one exclusion and decided X"), but names or detailed circumstances are not shared in that forum to protect the pupil's privacy.

Review of Terms of Reference: These Terms of Reference will be reviewed in line with the overall Suspension and Exclusion Policy review, to ensure they remain compliant with current law and guidance. Adjustments will be made if, for example, regulations change regarding panel composition or procedure. Panel members will be briefed or trained on any changes as needed.